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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,925	12/20/1999	KENICHI KOKUBO	99N034-US	1740
21254	7590	04/21/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			HA, LEYNNA A	
			ART UNIT	PAPER NUMBER
			2135	
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/466,925	KOKUBO, KENICHI
Examiner	Art Unit
LEYNNA T. HA	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on February 11, 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____.
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined and are rejected under U.S.C. 102(b).

This is a FINAL rejection necessitated on new grounds of rejection.

2. Examiner's Response to arguments.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. *Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleijne, Et al. (US 4,691,350).*

As per claim 1:

Kleijne, Et al. discloses a data storage device comprising:

storage means, installed in a housing, for storing predetermined confidential data; [see col.2, lines 13-17]

data generation means for generating data representing deflection of said housing in which said storage means is installed; and [see col.10, lines 32-62]

detection means for detecting physical impact applied to said housing in accordance with the data generated by said data generation means. [see col.10, lines 25-32]

As per claim 2:

Kleijne, Et al. discloses a data storage device comprising:

storage means, installed in a housing, for storing predetermined confidential data; **[see col.2, lines 13-17 and col.9, lines 26-28]**

data generation means for generating data representing deflection of said housing in which said storage means is installed; **[see col.10, lines 32-62]**

detection means for detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with the data generated by said data generation means; and **[see col.10, lines 25-32]**

data cancel means for canceling the confidential data stored in said storage means when said detection means detects physical impact applied to said housing. **[see col.10, lines 13-24]**

As per claim 3:

Kleijne, Et al. discloses a data storage device according to claim 1, further comprising:

measure means for measuring temperature in said housing in which said storage means is installed; and **[see col.10, lines 51-63]**

correction means for correcting the data generated by said data generation means in accordance with the temperature measured by said measure means, **[see col.11, lines 45-col.12, line 3]**

wherein said detection means detects the physical impact applied to said housing in accordance with the data representing the deflection after the correction by said correction means. [see col.12, line 18-29]

As per claim 4:

Kleijne, Et al. discloses a data storage device according to claim 2, further comprising:

measure means for measuring temperature in said housing in which said storage means is installed; and [see col.10, lines 51-63]

correction means for correcting the data generated by said data generation means in accordance with the temperature measured by said measure means, [see col.11, lines 45 - col.12, line 3]

wherein said detection means detects the physical impact applied to said housing in accordance with the data representing the deflection after the correction by said correction means. [see col.12, line 18-29]

As per claim 5:

Kleijne, Et al. discloses a data storage device comprising:

a memory, installed in a tight housing having predetermined shape, for storing predetermined confidential data; [see col.2, lines 13-17 and col.9, lines 26-28]

a plurality of electrodes, arranged in said housing in which said memory is installed, for generating predetermined capacitance; and [see col.11-col.12]

a detection processor for detecting physical impact applied to said housing in accordance with shift degrees of the capacitance at said electrodes.

[see col.11, lines 45-67 and col.12, line 18-29]

As per claim 6:

Kleijne, Et al. discloses a data storage device comprising:

a memory, installed in a tight housing having predetermined shape, for storing predetermined confidential data; **[see col.2, lines 13-17 and col.9, lines 26-28]**

a plurality of electrodes, arranged in said housing in which said memory is installed, for generating predetermined capacitance; **[see col.11-col.12]**

a detection processor which specifies deflection of said housing in accordance with shift degrees of the capacitance at said electrodes to detect physical impact applied to said housing; and **[see col.11, lines 45-67 and col.12, line 18-29]**

a data canceler which cancels the confidential data stored in said memory when said detection processor detects the physical impact applied to said housing. **[see col.10, lines 13-24 and col.13, lines 20-25]**

As per claim 7:

Kleijne, Et al. discloses a data storage device according to claim 5, further comprising:

a thermo-sensor which measure temperature in said housing in which said memory is installed; and **[see col.10, lines 51-63]**

a correction processor which corrects the shift degrees of the capacitance at said electrodes in accordance with the temperature measured by said thermo-sensor, [see col.11, lines 45 - col.12, line 3]

wherein said detection processor detects the physical impact applied to said housing in accordance with the deflection of said housing after the correction by said correction processor. [see col.10, lines 25-63 and col.12, line 20 - col.13, line 2]

As per claim 8:

Kleijne, Et al. discloses a data storage device according to claim 6, further comprising:

a thermo-sensor which measure temperature in said housing in which said memory is installed; and [see col.10, lines 43-64]

a correction processor which corrects the shift degrees of the capacitance at said electrodes in accordance with the temperature measured by said thermo-sensor, [see col.11, lines 45 - col.12, line 3]

wherein said detection processor detects the physical impact applied to said housing in accordance with the deflection of said housing after the correction by said correction processor. [see col.10, lines 25-63 and col.12, line 20 - col.13, line 2]

As per claim 9:

Kleijne, Et al. discloses a detection method comprising:

generating data representing deflection of a housing in which a storage device for storing predetermined confidential data is installed; and [see col.2, lines 13-17 and col.9, lines 26-28]

detecting physical impact applied to said housing in accordance with the data generated by said generating data. [see col.9, lines 8-col.10, line 42]

As per claim 10:

Kleijne, Et al. discloses a detection method comprising:

generating data representing deflection of a housing in which a storage device for storing predetermined confidential data is installed; [see col.9, lines 8-col.10, line 42]

measuring temperature in said housing in which said storage device is correcting data generated by said generating data in accordance with the temperature measured by said measuring temperature; and [see col.10, lines 43-64]

detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with the data representing the deflection of said housing after correction by said correcting data. [see col.10, lines 25-63 and col.12, line 20 - col.13, line 2]

As per claim 11:

Kleijne, Et al. discloses a detection method comprising:

measuring capacitance at a plurality of electrodes arranged in a tight housing in which a memory for storing predetermined confidential data is installed; and [see col.11-col.12]

detecting physical impact applied to said housing in accordance with shift degrees of the capacitance measured by said measuring capacitance. [see col.10, lines 25-63]

As per claim 12:

Kleijne, Et al. discloses a detection method comprising:

measuring capacitance at a plurality of electrodes arranged in a housing in which a memory for storing predetermined confidential data is installed; [see col.11-col.12]

measuring temperature in said housing in which said memory is installed; [see col.10, lines 43-64]

correcting the capacitance measured by said measuring capacitance in accordance with the temperature measured by said measuring temperature; and [see col.11, lines 45 - col.12, line 3]

detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with shift degrees of the capacitance after the correction by said correcting the capacitance. [see col.10, lines 25-63 and col.12, line 20 - col.13, line 2]

As per claim 13:

Kleijne, Et al. discloses a data storage device comprising:

a data storage in a housing; [see col.9, lines 13-28]

a plurality of electrodes arranged in a housing [see col.3, lines 22-66]

a processor that determines a deflection of said housing based upon a capacitance between the plurality of electrodes. [see col.10, lines 13-67 and col.11, line 45 – col.12, line 16]

As per claim 14: See col.10, lines 51-59; discussing the temperature sensor that sends a temperature signal and that it is inherent the signal is being sent and processed by the processor to indicate a detection of deflection of the housing.

As per claim 15: See col.11, lines 45 – col.12, line 67; discussing adjusting the deflection based upon the deflection signal.

As per claim 16: See col.2, lines 13-17 and col.9, lines 26-28; discussing confidential data.

As per claim 17: See col.10, lines 13-63 and col.12, lines 19-67; discussing erasing the confidential data when the determined deflection exceeds the predetermined range.

As per claim 18: See col.9, lines 8-28; discussing a data management processor that manages data stored on the data storage and further determines the deflection of said housing and a main processor that controls said data management processor.

As per claim 19: See col.10, lines 13-63 and col.12, lines 19-29; discussing responsive to a deflection that exceeds the predetermined reference value to destroy the data.

As per claim 20: See col.10, lines 13-67 and col.11, line 45 – col.12, line 16; discussing the deflection based upon a change in capacitance between the plurality of electrodes.

Response to Arguments

4. Applicant's arguments filed February 11, 2004 have been fully considered but they are not persuasive.

Claims 1-12 have been re-examined and newly added claims 13-20 have been examined wherein the Examiner finds Applicant's argument not persuasive because the argument mainly points out the prior art failing to teach data that represents a deflection of the housing. Applicant fails to identify what is disclosed by Kleijne that reads on the claimed language. Whatever else is disclosed in Kleijne is irrelevant and is merely extra information (i.e. col.2, lines 12-34) that may or may not be used to reject to Applicant's claimed invention. The extra information (i.e. conductive path has been broken or shorted) provided by Kleijne explains how to sense and detect a form of deflection of the housing.

According to the specification on page 10-11, "deflection" is "opening the cover of the house, breaking the housing, drilling the housing or physical impact onto the housing causes deflection". What reads on the claimed language is Kleijne teaching deflection, which is caused by cracking of the housing, drilling of the housing, or any form of physical penetrating of the housing (col.10, lines 25-34 and col.13, lines 3-25). Thereby, "generating data representing deflection" can be the low voltage signals or the difference of (i.e. low) temperature causes to generate the RESET signal that is generated by the tamper detection circuitry upon the physical impact of the housing (col.10, line 32 thru col.11, line 2).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa


